

(1) Number of pages 32
(2) Date of repair 23-6-43
(3) Initials of the Referencer Q

MADRAS RECORD OFFICE.

Government of Madras.

Industrial DEPARTMENT.

G.O. No.	2036	~~Press~~ Mis.
Dated	3. 10 .	1871 .

Not to be folded or roughly handled



40716-9-91 no 190
C no 4304

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter, dated 18 August 1891 no 1624, from the Superintendent of the *Her Majesty's Jail at Armitany, Madras*, forwarding petition from Convict no 7143 *Rajachandria Doss* under sentence of death in Criminal Session Case, No. of 1891, confirmed by the High Court of Judicature, *the 10th Aug 1891*, on behalf of prisoner of 26th Aug 1891 no 1624, *Read Memorial from sub Gant, dated 1st Sept 1891 no 134 + 21-9-91* from the Registrar of the High Court, Appellate Side, forwarding the record of the case.

ORDER THEREON, 3 October 1891, No. 2036

Having considered the circumstances of the case as set forth in the foregoing papers, the Right Hon'ble the Governor in Council sees no reason to interfere with the sentence of death passed on Convict no 7143 *Rajachandria Doss*.

2. The law will take its course.

(True Record)

Secretary.

To the Superintendent of the *Prison*
for communication to the Prisoner.
" Inspector-General of Jails.
" Hon'ble the Judges of the High Court, with papers returned.

GO 2036: 3. 10. 91

In the Matter of the Petition of
Ramaiah v. Govt to His
Excellency the Governor-in-
Council -

Minute of the Honourable
Mr Justice H. H. Shephard

In Accordance with the request
of His Excellency the Governor
in Council have the honor to
state any opinion upon the
applications for remission of
the sentence passed upon Ram-
-cherran & at the last Session.

The prosecution explained to
was based on the evidence as to
the facts first - on the evidence as to
the motive secondly - on the evidence as to
the conduct of the prisoner
between the Prison
and the persons who
undoubtedly caused their death
by murder.

Secondly - on the evidence of
threats made by the Prisoner.

thirdly - on the evidence as to
the preparation for the crime
in the purchase of a knife.

fourthly

fourthly - on the fact of his being seen near the scene of the crime shortly before the time when it must have been committed -

As to the previous relations between the Prisoner on the one hand and Gopal Lal and Gunga Boyce on the other there was the evidence of Gopal Lal's brother and his father-in-law. There is no reason for doubting their evidence; and I did not understand it to be disputed at the trial, nor is it disputed now, that the Prisoner had strong grounds for resentment against Gopal Lal and Gunga Boyce.

The fact that he expressed this feeling of resentment in words intimating his intention to take revenge by killing these two persons is spoken to by the two men who were in the jail with him, besides which there is the statement of Balaji Lal made.

made in cross-examination that his brother told him that the Prisoner had said that as the woman and Gopal hall had spoiled his caste he (the Prisoner) would kill them both when he came out of jail.

As I thought there might be some doubt as to the admissibility of this evidence if it had been elicited by the prosecution I did not particularly refer to it in summing up. It is however by no means unimportant, and I see no reason why weight should not be attached to it.

The evidence of the two men in the jail is more important because it refers to what the Prisoner said shortly before the murder was committed. Both these witnesses gave their evidence in a straight forward way, and both explained how it came about, that the Prisoner chose to confide in them. It

is now suggested that they have been tutored by the Police. The evidence affords no foundation for the suggestion. The two Inspectors who had the conduct of the case were called as witnesses but not cross-examined as to the method in which they obtained the evidence from these two witnesses.

The third branch of the case relates to the preparation made by Prisoner in the purchase of a knife. As to this there is the evidence of the three bazaar men taken with that of the two Inspectors to whom they gave information. As I pointed out to the jury the question of most importance is whether immediately on release from jail the Prisoner did buy a knife such as that produced. It is another question whether the knife

(5) produced

11
produced was the one which he bought. As to the first question it is rightly said that a considerable interval of time elapsed between the purchase of the knife and the occasion when the witnesses were taken to the jail to identify the Prisoner.

This is a point to which I did not fail to call the attention of the Jury. I think notwithstanding this the jury were perfectly justified in believing the two witnesses Parthavarady and Venkataswamy. They gave their evidence well and there is no reason to doubt that they pointed out the Prisoner in the jail among a number of other persons all dressed alike.

Similarly with regard to the identity of the knife found with that produced I think it was sufficiently proved that the
(5) knife

knife in Court being filed in the manner adopted by Venka-tasawmy, had been bought in his bazaar.

The Memorial addressed to His Excellency on behalf of the Prisoner dealt at great length with the history of the knife produced in Court as told by the witnesses Ponnegadoo, Mr. -rugas, Veerasawmy Parankooda Naydu and with the report of the Chemical Examiner. I do not understand that it is seriously disputed that the knife was found in the sewer about the 18th June, that it was used by Veerasawmy for a fortnight, then replaced in the drain and ultimately given up to the Police. It is some guarantee for the truth of the evidence of Veerasawmy that he being a Municipal servant must have exposed himself to censure for appropriating

appropriating a knife found in
 the manner described. However
 this may be, the point taken
 is not that the story is untrue
 but that the Chemical Exam-
^{iner's}
~~ination~~ report was misleading
 and that the appearance of
 recent blood on the knife when
 examined indicated foul play
 on the part of the Police. If I
 had omitted to warn the jury
 on the point and if it could
 be supposed that they had laid
 any stress on the Chemical
 Examiner's Report, the con-
 truction made on behalf of the
 Prisoner might have some
 weight. But I was careful to
 tell the jury what indeed was
 sufficiently obvious, that seeing
 that the knife had been twice
 immersed in the sewer and
 had been for a fortnight used
 in cutting bamboos it was
 (7) impossible

impossible to attach any import-
-ance to the marks of blood after
-wards found upon it. There
~~was~~ nothing to show that that
blood was the blood of the
murdered persons. Under
these circumstances I think
it is unreasonable to suppose
that the Jury were influenced
by the report of the Chemical
Examiner.

It is then urged that the
further report of this Officer
shows that there was a con-
-spiracy on the part of the
Police to make a case against
the Prisoner. The passage
in ~~this~~ latter report on which
reliance is placed is not very
clear, for the fact that the
stains of blood were fresh
affords no foundation for the
inference that the part of the
knife on which the stains were
found, had not previously been
smeared with mud. I imagine
(8) it

it was possible that the mud might have been scraped or rubbed off without defacing the stains. Assuming that the Chemical Examination ^{is} ~~is~~ means that the stains were recent the Memorialist asks His Excellency in Council to believe that the stains must have been caused by Inspector Bradbury or under his orders after the knife had been handed over to him. This suggestion appears to me highly impossible and I do not believe it would have been entertained by the Jury for a moment.

The fourth and last branch of the evidence touching the Prisoner's presence in Triplicane the evening before the murder does not require much comment. Seven witnesses speak to the Prisoner's movements. The Prisoner himself admits

21
that he went to Triplicane, to the Temple and to Nagappa Chetty's Chattram. The witnesses had ample opportunity to identify him, especially Kristnaji Row and the witness Jaganath Doss before whom the Prisoner sang ^{a shloka} and spoke about which one of the jury men - a Brahmin asked a question.

I was careful to remind the jury that even assuming all the evidence to be true the possibility still remained that ^{the Prisoner} might have refrained from prosecuting ^{his} purpose and the murder might have been committed by some other person. It was possible, because the Chattram where the murdered ^{couple} ~~couple~~ lay was apparently easy of access. It was not ^{probable} ~~possible~~ because they were not proved to have had any key except the Bairagi and plunder was

(10) widely not

not the object of the crime. I think the Jury were perfectly right in disregarding this possibility.

I was and still am satisfied with the verdict of the majority and I see no reason for remitting the sentence. I paid no attention to the recommendation to mercy because the provocation under which the Prisoner acted was clearly not such as to lessen the gravity of the crime.

W. H. Stephens
21 Sept 1891

Crown Office, High Court,
No 162. Madras, 21st Sep. 1891.

From
J. G. Kernan Esq.
Clerk of the Crown
To
The Chief Secretary to Government
Cotacamund.

Honorable Sir,

I am directed to acknow-
ledge the receipt of your letter
of the 16th September 1891 Judicial
No 1908 forwarding Proceedings
of Government of the 16th September
1891 No 1908 and with reference
thereto I am to state that the
Honorable Mr. Justice Shephard
has expressed his opinion upon
the question submitted by His
Excellency the Governor-in-Coun-
cil in the Minute which I
herewith enclose.

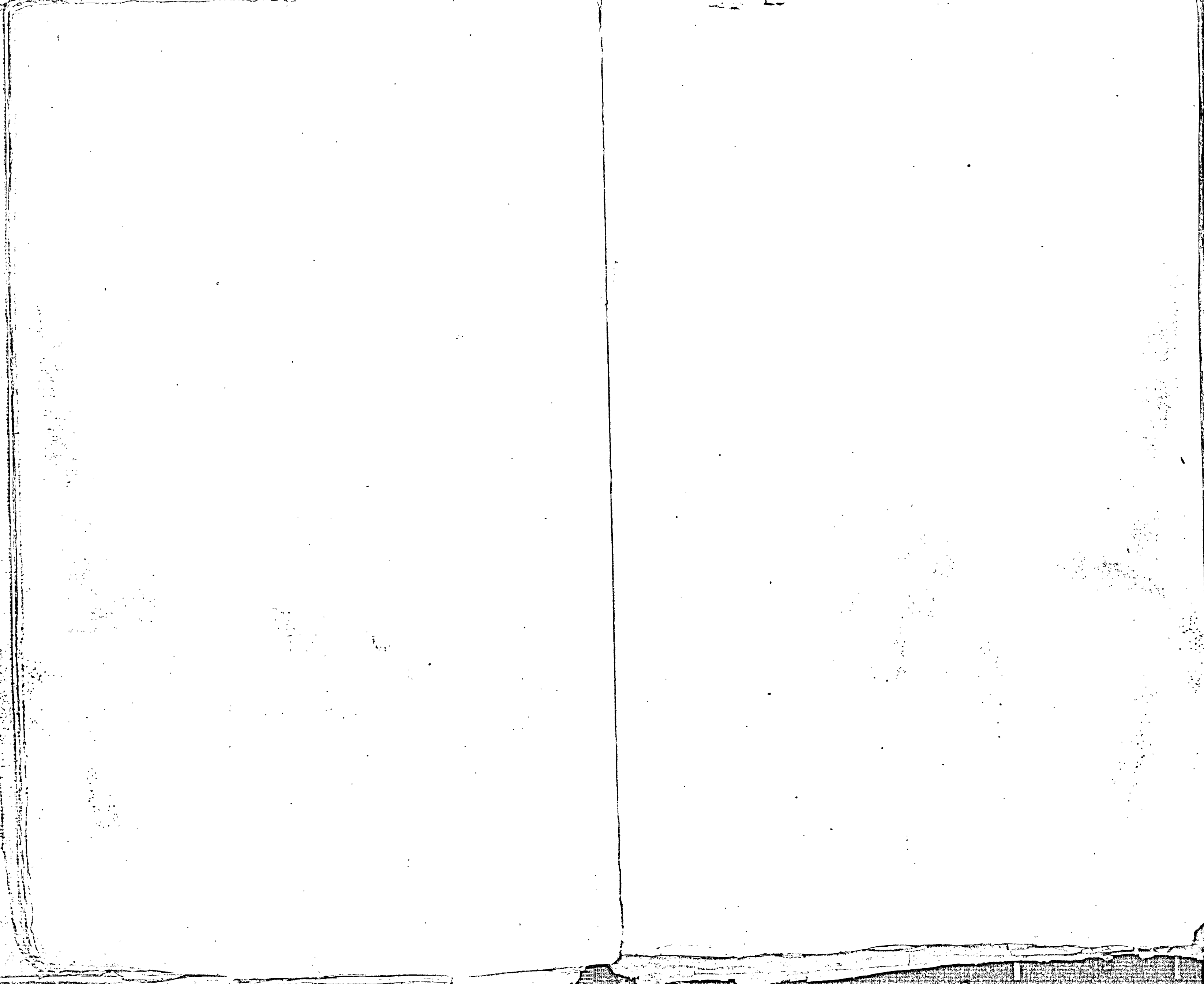
I am further directed to return
all the papers forwarded with your
letter including the Judge's note
book which I shall send in a sep-
arate cover.

I have the honor to be,
Honorable Sir,
Your most obedient servant
John Kernan -
Clerk of the Crown.

RECEIVED
23 SEP 91
GOVERNMENT OF MADRAS

100/100 204/21

The first of these is the
 fact that the system is
 not self-sufficient. It
 requires a constant
 supply of raw materials
 and labor from other
 countries. This makes
 the system vulnerable
 to external shocks.
 The second is the
 fact that the system is
 not flexible. It is
 based on a fixed
 exchange rate, which
 makes it difficult to
 adjust to changing
 market conditions.
 The third is the fact
 that the system is
 not transparent. The
 government keeps a
 tight control over the
 flow of information,
 which makes it difficult
 for investors to make
 informed decisions.
 These three factors
 have contributed to the
 system's instability.
 The government has
 tried to address these
 issues, but its efforts
 have been largely
 unsuccessful. The
 system remains
 vulnerable to external
 shocks and is not
 flexible enough to
 adjust to changing
 market conditions.
 The lack of
 transparency also
 makes it difficult for
 investors to make
 informed decisions.
 The system's
 instability has led to
 a loss of confidence
 among investors, which
 has further weakened
 the system. The
 government needs to
 implement reforms
 to make the system
 more self-sufficient,
 flexible, and
 transparent. Only
 then can the system
 become stable and
 resilient.



The Clerk of the Crown
Madras

Am & are

For orders.

62
24 Sept 8

The opinion of the Court, Judge who
thinks the case is unequivocal taken
together that the ~~other~~ evidence
though circumstantial is adequate
and the chain complete. Testified to
his opinion, which coincides with
our own, we may without doubt
signify the relation for me as under
which that to him since take its
course. W

rec. ^W
22. 28 Sep

Donec. M. J.
32/9/91

The chemical room, ^{the} on
~~the~~ other side the
 room? L. Chaffin, OK? he
 called me to explain why he
 didn't tell me the new
 from the Chaffin & came in
 it's true if there ~~was~~ ^{was} any
 blood stains under it &
 I think the soap & sand should
 have been to the bed room
 & L. said, that's to take
 him back, in drawing up his
 to water & effluents to
 the rest of the house
 & of hundred times
 2/9/91

No. 162

Dated 21st }
Received } September 1871
Enclosures }

SUBJECT.

Forwarding the opinion

the Hon. Mr. Justice Sheppard

the case of Ramacharan

270

ORDINARY, MS.

<i>Judicial</i> DEPARTMENT
G.O., DATED 3-10-91
No. 2086-

INDEXED.

When given for copying

[Despatch Abstract.]

*Declining to interfere
with the sentence of
death passed on con-
vict A-7103. Ramia-
charan Dass, in
criminal sessions
the High Court held
the 10 Augt-1891.*